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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,773	11/15/2001	Gregory R. Lloyd	TSQ-001RCE2	4625
959 7590 05/15/2007 LAHIVE & COCKFIELD, LLP ONE POST OFFICE SQUARE BOSTON, MA 02109-2127			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/003,773

**Applicant(s)**

LLOYD ET AL.

**Examiner**

Neveen Abel-Jalil

**Art Unit**

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 27-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-24, 27-32, and 34-37 is/are rejected.
- 7) ☒ Claim(s) 9-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Remarks

1. The amendment filed on April 27, 2007 has been received and entered. Claims 1-24, 27-32, and 34-37 are pending.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble of the claim only suggest storage of the software (i.e. medium holding instructions) but nothing to the effect of “implementing or executing or running” the instruction to realize its functionality. Software only implementation alone is not patentable. Software must be carried out by a computer/hardware in order to function. The “medium” is not recited as being “computer readable”. The claim does not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be computer-readable. Furthermore, there is no hardware or storage tied to the claimed steps in order to realize their functionality. The claim should be amended to recite “computer readable medium holding computer-executable instructions executable by a computer, the computer readable medium comprising: instructions to provide ...etc.” which is not stated in preamble of claim 27.

All dependent claims should state "instruction to" instead of the intended use language of "instructions for".

### *Claim Objections*

4. Claims 1 and 27 are objected to because of the following informalities:

Claims 1, and 27, line 10 recite "entry or label" which is inconsistent with previous recitations regarding both and it also suggest the option of choosing either "entry" or "label" thus making the selection of either, would assure the "other" not occurring and any dependent claims that recite the "other" option being improper. The recitation should state "entry and label".  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 14-24, 27-32, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivette et al. (U.S. Patent No. 5,806,079) in view of Ryan et al. (U.S. Patent No. 6,421,675 B1).

As to claim 1, Rivette et al. discloses in an electronic device, a method, comprising the steps of:

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providing a plurality of entries containing data (See Rivette et al. Figure 3B);

assigning an entry ID to each of said entries (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”),

each said entry ID being a unique value (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”);

storing each entry indexed by the assigned entry ID (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”);

altering the data contained in one of a selected one of the plurality of entries and a label associated with a selected one of the plurality of entries to create a new entry, said new entry having an entry ID assigned (See Rivette et al. Figure 3B, Rivette et al. Figure 7B, also see Rivette et al. column 29, lines 24-46);

cross-indexing said new entry with said selected entry (See Rivette et al. column 30, lines 42-65);

updating a meta structure associated with said selected entry to reflect relationship changes caused by said new entry, said updating including a time said selected entry or said label associated with a selected one of the plurality of entries was altered (See Rivette et al. column 30, lines 22-36); and

displaying said new entry in response to requests for said selected entry (See Rivette et al. column 29, lines 24-46).

Rivette et al. teaches the claimed invention but does not explicitly teach the metastructure maintaining a list of plurality of relationship changes between the selected entry and at least one

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other entry that show an evolution of said selected entry over a time period that includes a time period before said updating.

Ryan et al. teaches the metastructure maintaining a list of plurality of relationship changes between the selected entry and at least one other entry that show an evolution of said selected entry over a time period that includes a time period before said updating (See Ryan et al. column 29, lines 32-39, and see Ryan et al. column 29, lines 40-46, and see Ryan et al. column 17, lines 29-35, wherein table 9 is described as storing past updates -i.e. over time, and see Ryan et al. Table 9, shows original creation date/time).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Rivette et al. by the teaching of Ryan et al. to include the metastructure maintaining a list of plurality of relationship changes between the selected entry and at least one other entry that show an evolution of said selected entry over a time period that includes a time period before said updating because it provides for it provides for accuracy of information frequently (See Ryan et al. column 2, lines 49-55).

As to claim 2, Rivette et al. as modified discloses comprising the further steps of:  
parsing the data contained in said selected entry into segments (See Rivette et al. column 7, lines 45-65);

assigning an item ID having a unique value to each of said segments (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”); and

updating the meta structure of said selected entry to include a reference to said item IDs assigned to each of said segments (See Rivette et al. column 30, lines 22-36).

As to claim 3, Rivette et al. as modified discloses comprising the further step of:  
appending the parsed data from said selected entry to a journal, said journal being a data structure located in permanent memory (See Rivette et al. column 9, lines 3-16).

As to claim 4, Rivette et al. as modified discloses comprising the further step of:  
parsing said selected entry into segments;  
attaching a label to at least one of said segments, wherein said label is cross indexed with said segment, said selected entry and with a data structure referencing at least one other entry containing a segments with said label (See Rivette et al. column 7, lines 41-52, wherein “label” reads on “note”).

As to claim 5, Rivette et al. as modified discloses comprising the further steps of:  
searching said plurality of entries based on said label (See Rivette et al. column 25, lines 1-9); and  
displaying a results of said search on a web page, the results indicating entries from said plurality of entries that contain said label (See Rivette et al. column 29, lines 24-46).

As to claim 6, Rivette et al. as modified discloses comprising the further step of:  
attaching a user-provided label to a user-defined part of said selected entry, said label being cross-indexed with said user-defined part, said selected entry and with a data structure

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referencing other entries containing said label (See Rivette et al. column 7, lines 41-52, wherein “label” reads on “note”).

As to claim 7, Rivette et al. as modified discloses comprising the further step of:  
displaying a web page containing only said user-defined part of said selected entry (See Rivette et al. column 36, lines 39-54).

As to claim 8, Rivette et al. as modified discloses searching said plurality of entries based on said label (See Rivette et al. column 21, lines 15-36, also see Rivette et al. column 27, lines 48-56); and

displaying a results of said search on a web page, wherein said web page indicates all of the entries from said plurality of entries that contain said label (See Rivette et al. column 21, lines 15-36, also see Rivette et al. column 27, lines 48-56).

As to claim 14, Rivette et al. a modified discloses further:  
providing a permanent memory location (See Rivette et al. column 31, lines 4-34)  
parsing the data contained within said selected entry (See Rivette et al. column 7, lines 45-65); and

storing the parsed data in a permanent memory location (See Rivette et al. column 31, lines 4-34).

As to claim 15, Rivette et al. as modified discloses comprising the further steps of:

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storing a reference to at least **one of**, another entry, an update to said selected entry, and a labeling of said selected entry, in a meta structure stored in a data structure in said permanent memory location (See Rivette et al. column 31, lines 4-34).

As to claim 16, Rivette et al. as modified discloses wherein said meta structure includes a grammar object, said grammar object expressing a ternary relationship among said data (See Rivette et al. column 9, lines 9-16).

As to claim 17, Rivette et al. as modified discloses wherein the altered data is contained in said selected entry and the selected entry is an email message (See Rivette et al. column 12, lines 65-67).

As to claim 18, Rivette et al. as modified discloses wherein the altered data is contained in said selected entry and the selected entry is an attachment to an email message (See Rivette et al. column 32, lines 10-32).

As to claim 19, Rivette et al. as modified discloses wherein the altered data is contained in said selected entry and the selected entry is a web page (See Rivette et al. column 32, lines 10-32).

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As to claim 20, Rivette et al. as modified discloses wherein the altered data is contained in said selected entry and the selected entry is user-input text (See Rivette et al. column 11, lines 12-21, wherein “entry” reads on “object”).

As to claim 21, Rivette et al. as modified discloses wherein said electronic device is interfaced with a network (See Rivette et al. column 24, lines 37-44).

As to claim 22, Rivette et al. as modified discloses wherein the altered data is contained in said selected entry and said data contained in said selected entry is audio data (See Rivette et al. column 11, lines 12-21, wherein “entry” reads on “object”).

As to claim 23, Rivette et al. as modified discloses wherein the altered data is contained in said selected entry and said data contained in said selected entry is video data (See Rivette et al. column 11, lines 12-21, wherein “entry” reads on “object”).

As to claim 24, Rivette et al. as modified discloses wherein said entry is a complete document that is not segmented prior to the assignment of said entry ID (See Rivette et al. column 12, lines 65-67).

As to claim 27, Rivette et al. discloses a medium holding computer-executable instructions that when executed on a computer perform a method comprising:

providing a plurality of entries containing data (See Rivette et al. column 16, lines 7-19);

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assigning an entry ID to each of said entries, said entry ID being a unique value (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”);

storing each entry indexed by the assigned entry ID (See column 25, lines 19-65, wherein “entry ID” reads on “identifier”);

altering the data contained in one of a selected one of said plurality of entries and a label associated with a selected one of the plurality of entries to create a new entry, said new entry having an entry ID assigned, the new entry cross-indexed with said selected entry (See Rivette et al. column 29, lines 13-37, also see Rivette et al. column 30, lines 22-27);

updating a meta structure associated with said selected entry to indicate a time said selected entry was altered (See Rivette et al. column 14, lines 35-50, also see Rivette et al. column 21, lines 29-36, wherein “label” reads on “notes”, also see Rivette et al. column 25, lines 42-65, wherein “meta” reads on “descriptor”); and

displaying said new entry in response to requests for said selected entry (See Rivette et al. column 21, lines 55-61).

Rivette et al. teaches the claimed invention but does not explicitly teach the metastructure maintaining a list of plurality of relationship changes between the selected entry and at least one other entry that show an evolution of said selected entry over a time period that includes a time period before said updating.

Ryan et al. teaches the metastructure maintaining a list of plurality of relationship changes between the selected entry and at least one other entry that show an evolution of said selected entry over a time period that includes a time period before said updating (See Ryan et al. column 29, lines 32-39, and see Ryan et al. column 29, lines 40-46, and see Ryan et al. column

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17, lines 29-35, wherein table 9 is described as storing past updates -i.e. over time, and see Ryan et al. Table 9, shows original creation date/time).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Rivette et al. by the teaching of Ryan et al. to include the metastructure maintaining a list of plurality of relationship changes between the selected entry and at least one other entry that show an evolution of said selected entry over a time period that includes a time period before said updating because it provides for it provides for accuracy of information frequently (See Ryan et al. column 2, lines 49-55).

As to claim 28, Rivette et al. as modified discloses wherein said method comprises the further steps of:

parsing said selected entry into segments (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”);

assigning an item ID having a unique value to each of said segments (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”); and

updating the meta structure of said selected entry to include a reference to said item ID (See Rivette et al. column 25, lines 19-65, wherein “entry ID” reads on “identifier”).

As to claim 29, Rivette et al. as modified discloses wherein said method comprises the further step of:

attaching a label to at least one of said segments (See Rivette et al. column 3, lines 30-31, wherein “label” reads on “note”), said label cross-indexed with said segment, said selected entry

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and with a table of other entries containing segments with said label (See Rivette et al. column 21, lines 38-47).

As to claim 30, Rivette et al. as modified discloses further comprising:

selecting a time slice to apply to a selected entry, said time slice corresponding to a period of time (See Rivette et al. column 21, lines 29-36, wherein “label” reads on “notes”);

selecting a perspective to apply to said selected entry, said perspective being a date reference controlling which of the plurality of labels referencing said selected entry to display with said selected entry (See Rivette et al. column 30, lines 22-50); and

displaying said selected entry constrained by said time slice and said perspective (See Rivette et al. column 21, lines 29-36, wherein “label” reads on “notes”).

As to claim 31, Rivette et al. discloses as modified further comprising:

searching said plurality of entries based on said label (See Rivette et al. column 25, lines 1-9); and

displaying the results of said search in a document referencing other entries from said plurality of entries that contain said label (See Rivette et al. column 29, lines 24-46), each of the entries indicating a time the label became affixed to the entry (See Rivette et al. column 21, lines 29-36, wherein “label” reads on “notes”).

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As to claim 32, Rivette et al. as modified discloses wherein the altered data is contained in a label associated with the selected entry and the altering is one of an addition and removal (See Rivette et al. column 9, lines 3-16).

As to claim 34, Rivette et al. as modified discloses comprising the further steps of:  
removing a label associated with one of the plurality of entries (See Rivette et al. column 9, lines 3-16); and

adding a label associated with said one of the plurality of entries (See Rivette et al. column 9, lines 3-16).

As to claims 35-37, Rivette et al. as modified discloses wherein the altered data is contained in the selected entry and the data contained in the selected entry is one of audio and video data (See Rivette et al. column 1, lines 39-42).

#### ***Allowable Subject Matter***

7. Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-24, 27-32, and 34-37 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vaithilingam et al. (U.S. Patent No. 6,411,724 B1) teaches multimedia descriptors.

Hiraiwa (U.S. Patent No. 6,959,299 B2) teaches meta-information management.

Li (U.S. Patent No. 6,725,227 B1) teaches Web bookmark database system.

Gupta et al. (U.S. Patent No. 6,546,405 B2) teaches annotating temporary dimensioned multimedia content.

Zellweger (U.S. Patent No. 6,131,098) teaches DBMS content menu.

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MacLean et al. (U.S. Patent No. 6,505,219 B1) teaches descriptors providing indices.

Beck et al. (U.S. Patent No. 7,039,857 B2) teaches interactive multimedia viewer.

Wical (U.S. Patent No. 5,930,788) teaches contextual relationships between thematic words.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neveen Abel-Jalil  
May 11, 2007